

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
DIVISION OF DESIGN PROFESSIONALS
1511 PONTIAC AVENUE, BLDG. 68-1
CRANSTON, RI 02920
(401) 462-9592 Fax: (401) 462-9532 www.bdp.state.ri.us**

MINUTES OF THE MEETING OF THE BOARD

DATE: 19 May 2010

**PLACE: Department of Business Regulation
 1511 Pontiac Avenue, Building 68, Conference Room
68-1 Cranston, RI 02920**

TIME: 12:00 PM

**MEMBERS PRESENT: Chairman L. Robert Smith, PE, Vice Chairman
Richard A. Bernardo, PE, Secretary Duhamel, PE, PLS and Mr. Wayne
D. Moore, PE, Board Member**

MEMBER LATE: Mr. Fairbanks, Jr., PE (Arrived at 12:15PM)

OTHERS PRESENT: Richard W. Bernstein, Esq.

**Brian Riggs, Department Budget Administrator
Lois Marshall, Administrative Assistant**

Ronald Blanchard, PE

CALLED TO ORDER: Chairman Smith called the meeting to order at 12:00 PM to commence Board business.

(1) NEW BUSINESS:

Vice Chairman Bernardo made a motion to accept the minutes of the 21 April 2010 Board meeting. Mr. Moore seconded the motion. The motion passed unanimously, four in favor one absent. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Mr. Moore Board Member. Absent was Mr. Fairbanks, Jr. Board Member. Vice Chairman Bernardo made a motion to approve and seal the minutes of the Executive Session of 21 April 2010. Mr. Moore seconded the motion. The motion passed unanimously; four in favor one absent. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Mr. Moore Board Member. Absent was Mr. Fairbanks, Jr. Board Member.

EXECUTIVE SESSION

Vice Chairman Bernardo made a motion to convene into executive session at 12:01 PM pursuant to RI General Laws, Section §42-46(5)(a)(2) for sessions or work sessions pertaining to collective bargaining or litigation and §42-46(5)(a)(4) for investigative proceedings regarding allegations of civil or criminal misconduct. Mr. Moore seconded the motion. The motion passed unanimously; four in favor one absent. Voting in favor were Chairman Smith, Vice

Chairman Bernardo, Secretary Duhamel and Mr. Moore Board Member. Absent was Mr. Fairbanks, Jr. Board Member.

Vice Chairman Bernardo moved to adjourn from executive session and to reconvene to open meeting at 1:10 PM pursuant to R.I.G.L. §42-46-4. Mr. Fairbanks, Jr. seconded the motion. The motion passed unanimously; five in favor. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Messer. Fairbanks, Jr. and Moore Board Members.

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Vice Chairman Bernardo moved to seal the executive session pursuant to R.I.G.L. §42-46-4 and §42-46-5 and to record the votes taken in executive session in accordance with RI General Laws, §42-46-4 as follows to C2008-1 continued, C2008-2 continued, C2009-3 continued, P2008-29 continued, P2010-7 continued P2010-3 moved to monitoring, P2010-5 closed, C2007-8 moved to monitoring, C2010-6 continued, P2010-9 closed, P2010-8 continued, P2010-13 continued, P2010-11 closed, P2010-10 continued, P2010 -12 continued, C2003-3 closed, P2008-14 closed, P2008-20 continued, P2008-22 closed, P2010-2, continued, P2010-1 closed.. Vice Chairman Bernardo was recused on C2009-3 and C2007-8 and Secretary Duhamel was recused on P2008-14 and P2008-22 Mr. Moore seconded the motion. The motion passed unanimously; five in favor. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Messer. Fairbanks, Jr. and Moore, Board Members.

Vice Chairman Bernardo moved pursuant to RI General Law §42-46-4 that the Board defer disclosure of all votes in executive session until such time as such disclosure would not jeopardize any strategy, negotiation, or investigation undertaken concerning RI General Law §42-46-45(a). Mr. Mr. Fairbanks, Jr. seconded the motion. The motion passed unanimously; five in favor. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Messer. Fairbanks, Jr. and Moore, Board Members.

In Executive Session pending matters, there are twenty (20) pending matters, comprised of fifteen (15) potential litigation-related matters and five (5) investigative matters, with two (2) recusals in four (4) matters.

(3) Discussion of the Task List

Mr. Ron Blanchard, PE, attend the meeting to discuss the Task List. Correspondence was received from Attorney Quinlan representative of the Rhode Island Consulting Engineers Association requesting advance notice of rulemaking for any proposed rules or regulations. Vice Chairman Bernardo made a motion to move to a public hearing and to accept the latest negotiated Joint Informational Bulletin between the Professional Engineering Board and the Land Surveyor Board. Mr. Moore seconded the motion. Mr. Blanchard suggested that the Board consider that engineers that have been doing topographic survey for twenty years be grandfathered in to allow

them to continue to use the Task List. Vice Chairman Bernardo made a motion to withdraw his motion for one month so that Mr. Fairbanks, Jr. can sit down with the Land Surveyor Board to see if he can negotiate a better Joint Informational Bulletin. Mr. Moore consented to Vice Chairman Bernardo's withdrawal.

(4) Providence Building Electronic Submissions

The City of Providence is allowing electronic submissions, however the final submission must arrive with a wet signature. The Board mandates that the plans be stamped with a wet signature.

(5) Revisions to the application form

Chairman Smith reviewed the Professional Engineering Application by Comity and has asked that the Department of Administration's (DOA) IT department make several changes.

(6) Board for Design Professionals Website

Chairman Smith asked that the DOA IT department check to make certain that the Board's General Laws are directly linked to the Secretary of State's Office.

(7) Discussion on Comity and Exam Fees

Vice Chairman Bernardo made a motion to reinstitute the \$100.00 application fee for the Professional Engineering examination and to keep the Engineering-In-Training examination at zero. Mr. Moore seconded the motion. The motion passed four in favor one opposed.

Voting in favor were Chairman Smith, Vice Chairman Bernardo, and Messer. Fairbanks, Jr. and Moore, Board Members. Opposed was Secretary Duhamel.

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(8) Governor Carcieri issues Executive Order

The Executive Order requires all executive branch agencies to calculate the average processing time for individual permits from time of application to the time of issuance to be reported quarterly online. Attorney Bernstein stated that there have been some interpretation issues that need to be discussed before this Executive Order can take place. Vice Chairman Bernardo made a motion to continue this matter. Mr. Moore seconded the motion. The motion passed unanimously; five in favor. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Messer. Fairbanks, Jr. and Moore, Board Members.

(9) Correspondence received from NCEES Law Enforcement Committee

The Committee on Law Enforcement recommends that all member boards post their disciplinary actions on Enforcement Exchange. Chairman Smith instructed Ms. Marshall to post current registrants disciplinary action on the Enforcement Exchange.

(10) Notice of Future Changes to NCEES Examinations and

Supporting Materials

Beginning with the April 2011 exam administration, NCEES will implement several changes to examinations and exam-supporting material. The letter provides member boards and testing services with the 1-year notice. Vice Chairman Bernardo made a motion to receive and file. Mr. Moore seconded the motion. The motion passed unanimously; five in favor. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Messer. Fairbanks, Jr. and Moore, Board Members.

(11) On line Certificate of Authorization Renewals

Firms that are exempt from the fee cannot renew their Certificate of Authorization renewals on-line. Firms listing responsible charge engineers that are not listed on the database must have their application returned for correction.

APPLICATIONS:

(12) Michael Marcello

Mr. Marcello is inquiring about obtaining his PE registration. Mr. Marcello has his BS in civil engineering from URI however he does not and has not worked under a licensed engineer. Chairman Smith will send Mr. Marcello's correspondence regarding his work experience..

P.E. COMITY:

Vice Chairman Bernardo made a motion to grant comity to the following individuals in the disciplines specified. Mr. Moore seconded the motion. The motions passed unanimously, five in favor. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Messer. Fairbanks, Jr. and Moore, Board Members.

Amenta, Sebastian a. CT Civil Mitchell, James A, MA Civil
Cauley, Douglas K. FL Civil Moores, Jonathan D. ME Civil
Cornett, James C. MO Mech. Moresi, Russell J. CT Civil
Ervin, Mark R. OH Chem. Parker, James H. TN Civil
Farber, Matthew R. NE Struc. Reese, Brian R. PA Civil
French, Adam WA Elec. Rizk, Yasser A. VT Elec.
Friedman, Donald NY Civil Schwartz, Thomas A. MA Civil
Honer, Thomas D. ND Elec. Simone, Jr., Michael J. VA Struc.
Janowsky, William R. LA Civil Toman, Johnathan D. WA Mech.
Johnson, Carrie J. OK Civil Welsh, Peter J. PA Struc.
King, Karla L. MA Civil Whittemore, Daniel L. CT Civil
McElrath, Bryan M. TX Struc.

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Vice Chairman Bernardo. made a motion to deny comity registration to Mr. Reilly due to the fact that in accordance with the guidelines established by the Board's law, rules and regulations he had failed the FE exam more than four times. Mr. Fairbanks, Jr. seconded the motion. The motion passed unanimously, five in favor. Voting in

favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Messer. Fairbanks, Jr. and Moore, Board Members.

Peter J. Reilly

E.I.T. COMITY:

Vice Chairman Bernardo. made a motion to accept Ms. Blauvelt request for EIT certification and issue her E.I.T. certificate. Mr. Fairbanks, Jr. seconded the motion. The motion passed unanimously; five in favor. The motions passed unanimously, five in favor. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Messer. Fairbanks, Jr. and Moore, Board Members.

Blauvelt, Ashley L.

C.O.A. APPLICATIONS;

Vice Chairman Bernardo made a motion to approve the applications for Certificates of Authorization listed on the 19 May 2010 lists for Corporations, COA'S renewing, and Soles as noted in the specific disciplines mentioned with the exception of (0), which was denied. Mr. Moore seconded the motion. The motion passed unanimously; five in favor. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Messer. Fairbanks, Jr. and Moore, Board Members.

ADJOURNED:

Chairman Smith informed the Board that the next Board meeting would be scheduled for 16 June 2010 at 12:00 noon. Mr. Fairbanks, Jr. made a motion to adjourn the meeting at 2:17 PM. Vice Chairman Bernardo seconded the motion. The motions passed unanimously, five in favor. Voting in favor were Chairman Smith, Secretary Bernardo, Secretary Duhamel and Messer. Fairbanks, Jr. and Moore, Board Members.

Posted on June 18, 2010 (as a DRAFT) electronically on Secretary of State's Office website. Pursuant to the Open Meetings Law, R.I. Gen. Laws Sec. 42-46-6(b), business not included in this notice may be considered with the consent of the majority of the members, and/or may convene into Executive (closed) Session pursuant to R.I. Gen. Laws Sec. 42-46-5.

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C. O. A. APPLICATIONS

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SOLES PAID COMMENTS

JASON C. ADAMS, PE 0 OK ELECTRICAL

GIANCARLO BOTAZZI, PE 0 OK STRUCTURAL

TERRENCE R. LULAY, PE 0 OK CIVIL

WOODS & CO. CIVIL ENGINEERING 0 OK CIVIL

LIMITED LIABILITY CORPORATIONS

CRITIGEN, LLC \$150 OK CIVIL

WEST BAY ENGINEERING, LLC 0 OK CIVIL

CORPORATIONS

ARMOUR UNSDERFER ENG, INC. \$150 OK CIVIL
BSI ENGINEERING, INC. \$150 OK CIVIL
HAKS ENGINEERS, PC \$150 OK CIVIL
HEAPY ENGINEERING, INC. \$150 OK MECHANICAL
S.W. COLE ENGINEERING, INC. \$150 OK CIVIL
SHEPHERD ENGINEERING, INC. \$150 OK ELECTRICAL

COA #5970 PROFESSIONAL ENG. CONSULTANTS 0
ADD STEPHEN T. ANDREWS IN RESP. CHARGE. OK

COA #5349 LFR, INC. NAME CHANGE \$50
TO ARCADIS U.S., INC. OK

COA#5720 INTEGRATED DESIGN GROUP, INC.
ADD DENNIS JULIAN, JOHN MCCARTHY AND
WAYNE DROOKS IN RESP. CHARGE. OK

COA#5586 FITZMEYER & TOCCI ASSOCIATES INC.
ADD DANIEL HURLEY OK

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